

## REMARKS

Claims 1-36 are currently pending in the present application. Reconsideration and reexamination of the claims are respectfully requested.

The Examiner rejected Claims 1-36 under 35 U.S.C. § 102(B) as being met by Toriumi (U.S. Patent No. 6,062,868). This rejection is respectfully traversed.

As discussed in the previous communications, the present invention is directed an apparatus and method for converting and delivering musical content information between a client terminal and a server terminal. In one aspect of the invention, melody information such as MIDI data is received from the client terminal, converted by the server terminal, and delivered back to the client terminal. The server converts the musical content information by imparting additional value to the musical content information. In another aspect of the present invention, the server terminal creates and re-transmits musical information on the basis of the parameter information transmitted from the client terminal.

Toriumi does not contain any disclosure of receiving, from a client terminal, melody or musical content information. More importantly, Toriumi does not teach or suggest converting or imparting additional value to the received information (as claimed in the amended Claims 1-26). Finally, Toriumi does not teach or suggest creating and transmitting musical information on the basis of parameters provided by a client terminal (as recited in the amended Claims 27-36).

Rather, Toriumi simply discloses reproducing, modulating, and transmitting to a client terminal video and/or audio data that are retrieved from a server in accordance with a specific user request received from the client terminal. As shown in Fig. 1, the production or creation of new melody data takes place only in the “new melody production section” 1. Once melody data is produced, it is transmitted to a data center 30, wherein a video data server 32 and an audio data server 33 stores a selection of video data and audio data, respectively. Additionally, the data center 30 also includes a laser disc player 34, which is capable of playing laser discs to reproduce audio or video data. The data center, in response to a user request received from a client terminal 40, retrieves the corresponding audio and/or video data and transmits the same to the client

terminal. Toriumi simply does not teach or suggest converting or appending data received from the client terminal, or transmitting such converted or appended data back to the client terminal. Additionally, Toriumi does not contain any disclosure for generating or creating melody information based on parameter data received from the client terminal. Again, Toriumi simply retrieves or reproduced melody data based on the request received from the client terminal. Accordingly, Applicants respectfully submit that Claims 1-36 are not anticipated by, nor obvious in view of, Toriumi.

In view of the foregoing, Applicants respectfully submit that all of the pending claims are in condition for allowance. Reconsideration and reexamination of the claims are respectfully requested, and an early allowance is solicited. If the Examiner believes it would further advance the prosecution of the present application, he is respectfully requested to contact the undersigned attorney.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorizes the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 393032025300.

Respectfully submitted,

Dated: May 14, 2003

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